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C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 000154

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SUBJECT: CANADIAN ELECTIONS: TRANSITION MECHANICS

Classified By: POLMINCOUNS Brian Flora, reasons 1.4 (b) (d)

11. (C/NF) SUMMARY: On Monday, January 23, Canadians will go to the polls and elect a new Parliament and, presumably, a new Prime Minister. The likely Conservative minority government would bring the Tories to power for the first time in 13 years and so we can expect some hiccups along the transition road. We look for the new Prime Minister to be sworn in by the Governor General within two weeks and the cabinet to begin to sit immediately thereafter. Parliament will take somewhat longer to sort out and would likely not sit until late March, perhaps into April, depending in part on the strength of the new government's mandate and how much time it needs to strategize its own survival. The bureaucracy, meanwhile will continue to advance the business of government, and will provide a "return address" for us until the new government is fully in place. The transition period will not be a time for bold new initiatives but it will not be moribund either. END SUMMARY

When the Electoral Smoke Clears

12. (SBU) By late evening on January 23 the results of the election will be announced in the national media. But the party with the largest share of votes does not immediately "take over" and assume office. Following the election, the Governor General appoints the leader with the greatest chance of holding the confidence of the House as the Prime Minister. Almost invariably this would be the leader of the party with the most seats, but the Governor General could theoretically consider a proposed coalition of two (or more) other parties. Since none of the national parties in the current election have expressed any interest in forming a coalition government, the odds for such a post election scenario, which has not occurred in modern Canadian history, are extremely low. So we are confident that the party with the most seats will be the one asked to form government.

Formation of a Cabinet

13. (SBU) The Constitution neither defines nor regulates the length of time between Election Day and when a Prime Minister and his cabinet are sworn in. In the past half-century, the average time between Election Day and the official swearing in of the new Ministry has been thirteen days. In this short, interim period the executive of the existing Government maintains its Ministry in order to avoid a governance gap. James Hurley, a retired Privy Council Office Constitutional Advisor, has said that the "outgoing Prime Minister and the leader of the incoming government would sit down and agree on a date for transition." This allows the outgoing Ministers time to clear their desks and move from their offices and gives the incoming Prime Minister time to finalize the details of his new Cabinet. The Clerk of the

Privy Council, the government's senior public servant traditionally coordinates in advance with a likely new Prime Minister and his advisors and is a key player in ensuring that preparations are under way for the transition.

The New Parliamentary Session

¶4. (SBU) Once the Cabinet is sworn in, the new Ministers will begin to take charge of their offices. They will hold cabinet meetings with the Prime Minister in Ottawa and possibly even elsewhere in Canada. The Parliament, however, traditionally does not come into session for some time. The previous Parliament, following its scheduled winter break, was set to resume on January 30, a timetable that the new Qwas set to resume on January 30, a timetable that the new Parliament, absent a national crisis, will not meet. The Parliamentary calendar is determined by the Prime Minister's Office, and especially given the likely scenario of a new Prime Minister, a large amount of transition work will have to be done before the new session is called. The newly elected Prime Minister would be under no obligation to adhere to the former Parliamentary calendar, and the House could well stay out until mid to late March. Some estimates even have Parliament staying out until after the Easter Break in mid-April.

Public Servants Beaver On

¶5. (SBU) Much of Ottawa's senior bureaucracy will go into overdrive in the event of a transition to a Conservative government. While many Conservative MPs will have experience in Opposition, and some may have played roles in provincial or municipal governments, few will have any experience in

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Federal Government, so the learning curve will be steep. Similarly, the Civil Service has grown accustomed to thirteen years of Liberal rule and will have to adapt to potentially significant changes. In the weeks following the election we expect them to be seriously preoccupied and distracted.

Hires and Fires, Ambassadors and Such...

¶6. (C/NF) An incoming Prime Minister from a new party does not have unlimited options in dealing with appointees of the previous administration. A new Prime Ministers cannot, for example, recall previous appointments to the Senate or Supreme Court and he also does not have carte blanche to replace senior civil servants, e.g. Deputy Ministers, or recall Ambassadors, without cause. Some analysts nonetheless believe that many of the Deputy Ministers have come to be closely associated with the Liberal Party and a new Conservative team would be reluctant to trust them to carry out the new agenda. So we can expect a number of senior personnel shuffles, some early retirements, and transfers to new postings in other areas, albeit no wholesale "purge."

¶7. (C/NF) Commentators have begun to speculate on when they expect Ambassador Frank McKenna, who apparently likes his posting to Washington, to return to Canada so he can contend for the leadership of the Liberal Party. He may wait for the presumed post-loss "dust" to settle so he doesn't get caught up in the blame game for the Liberal defeat, but we expect him to toss his hat into the Liberal leadership ring soon and he will not be effective doing so from Washington.

The Clerk of the Privy Council

¶8. (SBU) One expected early departure is Canada's Senior Civil Servant, the Clerk of the Privy Council. Traditionally, the Clerk is replaced by a new Prime Minister,

but the time frame for this is not rushed. The Clerk is a career civil servant with an important role in the transition so we expect the incumbent, Alex Himelfarb, to stay on for between two to five months to keep a steady hand on the transition. A possible successor would be Peter Harder, currently Deputy Foreign Minister, a respected public servant who, in the past, has had ties to the Conservative Party.

19. (C/NF) Comment: Assuming a transition to a Conservative minority (which we are on record as assuming), we can expect a slower than usual transition that will have more than its share of hiccups. The Conservatives will presumably come into office with a share of humility based on their tenuous hold on power and would not be expected to lead any bold moves until they see what they face on the floor of Parliament, something they would probably not be anxious to do until they have a firm strategy in place and have done their homework. The professional bureaucracy in this transition period will meanwhile continue to provide us with the interlocutors we need to get the minimum accomplished, but we shouldn't expect to see any real engagement on new policies until the May-June timeframe.

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